

FILED

FEB 26 2016

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BY Deputy

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**Daniel Nathan Wood**Plaintiff**

v.

CASE NO. 3:16CV42-MPM-SAADesoto County Sheriff's Department**Defendant****PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT**

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Daniel Nathan Wood

B. Name under which sentenced:

N/A

C. Inmate identification number:

#145612

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

311 West South Street
Hernando, MS 38632

E. Place of confinement:

Desoto County Jail

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Bill Rasco in official and individual capacity

Title (Superintendent, Sheriff, etc.):

Desoto County Sheriff

Defendant's mailing address (street or post office box number, city, state, ZIP)

311 West South Street
Hernando, MS 38632

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Name: Chad Wicker in official and individual capacity
 Title (Superintendent, Sheriff, etc.): Director of Desoto County Jail
 Defendant's mailing address (street or post office box number, city, state, ZIP) 311 West South Street
Hernando, MS 38632

Name: Mr. Thompson in official and individual capacity
 Title (Superintendent, Sheriff, etc.): Doctor
 Defendant's mailing address (street or post office box number, city, state, ZIP) 311 West South Street
Hernando, MS 38632

Name: April Box in official and individual capacity
 Title (Superintendent, Sheriff, etc.): Head Nurse
 Defendant's mailing address (street or post office box number, city, state, ZIP) 311 West South Street
Hernando, MS 38632

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): _____

Defendant(s): _____

B. Court: _____

C. Docket No.: _____

D. Judge's Name: _____

E. Date suit filed: _____

F. Date decided: _____

G. Result (affirmed, reversed, etc.): _____

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

Continuation of question 2

Jane Does

311 West South Street

Hernando, MS 38632

John Does

311 West South Street

Hernando, MS 38632

~~Mr. Washington~~

Mr. Washington in official and individual capacity

~~Sgt.~~ Sgt./ Jail Supervisor

311 West South Street

Hernando, MS 38632

~~Mr. Billingsly~~

~~Mr. Billingsly~~

Mr. Billingsly in official and individual capacity

Sgt./ Jail Supervisor

311 West South Street

Hernando, MS 38632

Mr. Mauser in official and individual capacity

Sgt./ Jail Supervisor

311 West South Street

Hernando, MS 38632

Ms. Terry Caldwell in official and individual capacity

Nurse

311 West South Street

Hernando, MS 38632

~~Mr. Mauser~~

Page 2

Continuation of Question 2

Desoto County
Municipality
2535 Highway 51 South
Hernando, MS 38632

Et. Al.

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A. Does the grievance system place a limit on the time within which a grievance must be presented?

☐

Yes

☒

No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☐

Yes

☐

No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

On my arrival I made the on duty nurse aware of my prescriptions at pick-up verbally.

I filed numerous medical services requests and grievances to which were responded to by Chad Wicker and various nurses.

I made the medical staff aware of my problems and Chad Wicker aware that I was suffering from depression and couldn't get my medicines as prescribed.

All these things occurred over an entire twelve month period approx. May, from July 2 2014 through August 2015.

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

The response was that everything was done according to the medical health authority on appeal by Chad Wicker. Or the nurses would simply refuse to acknowledge my request for medication of my zolof. The result of my grievance was insufficient to assist in my medical needs or to get the doctors for medical staff. The response was that everything was done according to the medical health authority on appeal by Chad Wicker.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

Bill Rasco is involved because he is the Sheriff of Desoto County during ~~the~~ the times of events occurrence. In Desoto County Jail on or about July 2, 2015.

Chad Wicker is involved because he is the Director of the Jail of Desoto County during the dates my civil rights were violated on or about July 2, 2015

Mr. Thompson is involved because he is the ~~the~~ medical doctor working at Desoto County Jail during the times these events took place on or about July 2, 2015.

Mrs. April Box is involved because as Head Nurse I heard her state that I couldn't have my Zolofit because it cost too much and that I would have to go back to the hospital to get it. Thus violating my civil rights on or about July 2nd through 9th

Continuation of Question 9

page 1

In reference to Chad Wicker: He is the main respondent to my grievances against the medical department and Desoto County Jail. He also responded to my civil rights violation grievance. After continued grievances he closed them with the response "Everything was done according to the medical Health Authority," and would then close them without any attempt to correct the issues, thus committing deliberate indifference. He also responded to my medical slips thus violating my Hippa law. He also ordered that I be put on suicide watch indefinitely and did not let me speak to Region 4 in order to be ~~the person to be removed~~ removed from suicide watch. He later ordered that I be returned to my cell and removed from suicide watch after 29 days of being segregated in an unsanitary cell with a filthy toilet and no hand soap. There ~~was~~ were several broken tiles some of which I used to continue injuring myself even though he was aware that I was a danger to myself due to my worsened mental state which was a result of being denied my anti-depressant Zoloft. The conditions of the cell were such that my mental state further deteriorated and I suffered physical, mental and emotional injuries. I wasn't allowed any kind of footwear and the filthy floor I was forced to stand and walk on caused me to have a severe infection on my left big toe that was extremely painful and oozed yellow pus for over a week. The cell was not heated and had constant air flow from the vents and also under the cell door because I was directly next to the door leading outside during the month of October 2014, which was a very cold month. For the first nine days I kept a tally of the days in the flesh of my right forearm like this (|||| ||||) and the ~~only~~ reason I stopped was because it hurt so much to carve into my arm with a dull piece of broken floor tile. While I was there the cell had paper and litter all over the floor and was filthy when I was brought into the cell. Sgt. Washington would harass me at meal times by forcing me to stand up to receive my meals stating "this isn't breakfast in bed," and when I refused to get up he had the trusty place the meal in the furthest place in the cell to force me to go get it. There were wads of toilet paper stuck onto the vents above the door also. All I had to do for 29 days was walk in small circles ~~a~~ look out my cell window which occasionally got me yelled at by various guards and occasionally they would cover my window so I couldn't look outside of it. I had no means of ~~contacting~~ ^{using} the standard grievance procedures. I feel I was retaliated against for being on suicide watch so many times by a policy of forcing inmates to remain on suicide watch indefinitely in order to force them to stop requesting it.

Continuation of Question 9

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In reference to Mr. Washington: While I was on suicide watch he would harass me by forcing me to stand up in order to receive my meals and when I refused to do so he would tell the trusty bringing my food to place it as far from me as possible and on one occasion onto the filthy floor itself with only a thin paper towel between my chicken salad sandwich and the floor near my toilet less than two feet away. On one occasion while looking out my cell door window he shouted at me demanding to know what I was looking at.

In reference to Mr. Thompson: Ordered that I take 3mg of Risperidol after I filed a medical slip regarding hallucinations, without coming to see me. Later I filed another medical slip stating that I was noticing no change and was seen by Mr. Thompson whom I described my anxiety and hallucinations in greater detail after which he doubled my dosage of Risperidol from 3mg to 6mg. The result of this was that my body became stiff starting with my tongue, then my legs wouldn't fully extend when walking so I could only shuffle to walk slowly, my ~~low~~ arms and the rest of my body became slow to respond to my attempts to command it. I couldn't eat because I couldn't chew, I couldn't bathe because I couldn't undress or move my arms and legs properly. After about two weeks of this other inmates saw me drooling during my rec period because I couldn't close my mouth as a result of my tongue being immobilized. Then Sgt. Washington and Officer Croft came and called a Code 3 which summoned the nurse whom had me put in a wheel chair and brought to medical for examination. After which I heard the nurse say that the Dr. (Thompson) thru text message had said I likely overdosed myself intentionally. I was then transported to the facility known as the "New Jail," where I was kept for a week. The guards had to carry me into the facility to medical because I had such trouble walking and they also had to assist the nurses in moving me to allow the administration of Benedril shots in my hips by nurse Bridgette on two occasions and on one occasion a shot of cortisol. On all occasions of shots being administered my genitals were momentarily exposed leading to my embarrassment. I was also given benedril tablets. During all this time of approximately two weeks I was unable to swallow food only some liquids and nurse Bridgette attempted to spoon feed me very hot rice because I couldn't lift my arms to feed myself, I was unable to chew or swallow the rice. After approximately a week of being in the med cells I was given an opportunity to bathe myself and given underpants, socks and a white t-shirt to wear under my jumpsuit because I had none of my own. After my shower I saw the doctor (Thompson) approximately a day later and he said I would be taken off Risperidol and after two more days be permitted

Continuation of Question 9

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Cont. from page 2: to return to my regular cell. That night the nurse on duty attempted to give me risperidol again to which I told her I wouldn't take it because I had just had such a bad reaction after taking it as ordered and she said she understood my reasons and that the Dr. (Thompson) hadn't removed it from my medication as he said he would. After my injuries which resulted from worsening depression and untreated by Zoloft I was put on suicide watch in the month of October 2014, and the injuries which occurred there, I later after several months began asking about my Zoloft and why I never received it ~~for~~ ~~then~~ on my arrival here on or about July 2, 2014. I filed these medical slips on or about June 1st through July 30th, 2015 asking about my Zoloft and why I never received it. The responses from staff repeatedly failed to answer my main question of why I never received my prescription for Zoloft. At one point on or about July 1st through 30th I received a response stating Dr. Thompson had prescribed me Paxcil, I responded stating that I didn't want the Paxcil, I was asking why I never got my Zoloft, to which they replied Dr. Thompson had prescribed me 50mg of Zoloft to be taken daily in the mornings. When I wake up for morning med pass the staff failed to open my door thus preventing me access to my medication of Zoloft. After two days of this and asking nurses on different shifts if I could have my Zoloft then and being refused a nurse stated that she heard I had been refusing to take my medication which I had not been doing. I immediately began filing a grievance stating that I was not refusing my medicine but could not in fact get the staff to open my cell door at med pass, this was responded to with my being told I would be put on the OFX list. For a few weeks I had no further issues until after that the staff again began to fail to open my cell door at morning med pass. Between the months of June 2015 through approximately August 2015 I was forced to send numerous complaints that I was unable to get my medication because staff would not open my cell door at morning med pass. I had other inmates ask the guards for me to open my cell door because my cell had no button or speaker box, both having been removed from the cell. The guards on duty would ignore the inmates. Officer Nelson was one of these guards. I had to hit my door because the nurse was leaving and the pad door of C-Tank was closing thus ending med pass, officer Nelson appeared to hear the noise looked up at my cell door then spoke into his radio after which my cell door was unlocked by staff in the tower and I was permitted to get my medication. After several more complaints and grievances nurse Terry Caldwell responded on or about July 1st through August 31st that the nurse on duty had seen my cell door open and that she had seen me close it, to which I replied, that is a blatant lie! There are cameras in the hall and the pad that will

Continuation of Question 9

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Continued from page 3: Show my door never even opened and that was done arguing and would pursue litigation advice. After this exchange ~~there~~ I had no further difficulty getting my cell door open at med pass.

In reference to Mr. Billingsly: While I was on Suicide Watch during the month of October 2014, he ordered my cell door window be covered with paper so I couldn't look out of it. He also ordered me to stop looking out of it.

In reference to ~~Mr.~~ Mr. Mauser: He also on occasion during my stay on Suicide Watch on or about October 2014, ordered my cell door window covered and he himself covered it with paper and tape.

In reference to Mrs. Terry Caldwell: On or about August 2015, she responded to my complaint that I couldn't get staff to open my door at med pass that she had been told by the nurse on call that I had been seen closing my cell door which she claimed had been opened and that I refused my medicine. She also said I was an adult and that if I wanted my medicine I would have to get up in the morning to take it. I responded that the nurse on call blatantly lied and that the cameras will show my cell door never opened and I never closed it, I then stated I was done arguing and would pursue litigation advice to which Director Wicker responded that everything was done according to the medical health Authority.

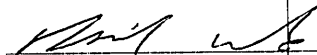
at Desoto County Jail by deliberate indifference. 0

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I want the court to order payments for compensatory, nominal, and punitive money damages as an award from the defendants to myself. And also ~~the~~ for the costs of further mental health and medical treatment surrounding the facts.

This Complaint was executed at (location): Desoto County Jail, Hernando, MS 38632
and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 1/14/16



Plaintiff's Signature

Case: 3:16-cv-00042-MPM-RP Doc #: 1 Filed: 02/26/16 12 of 13 PageID #: 13
Daniel N. Wood
311 West South Street
Hempden, MS 38632

Northern Dist.
Attn: Clerk of the
Room 369 Federal
911 Jackson Avenue
Oxford, MS 38666



Daniel Nathan Wood
311 West South Street
Hernando, MS 38632

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FEB 26 2016

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
Northern District of Mississippi
Office of the Clerk
301 W. Commerce St. #13
Aberdeen, MS 39730



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